

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA

v.

Criminal Case No. 19-155 (DRD)

HECTOR SANCHEZ-MORALES,
Defendant.

UNITED STATES OPPOSITION TO DEFENDANT'S
MOTION REQUESTING ORDER (D.E. 27)

The United States provides the following response to defendant's motion for court order. (D.E. 27.) Defendant's motion seeks to have a portion of the government's response redacted or struck. The defendant provides no legal authority for this and accuses the government of "playing to the gallery." (D.E. 27, p.2.) For the following reasons the government requests that the defendant's motion be denied.

1. In support of his motion for discovery, the defendant accused the victim in this case of using a fake name. (*See* D.E. 23, p. 4.) The defendant cited to discovery received by the government to support this position: "According to one of the Reports of Investigation produced by the government defendant addressed the victim as 'Maria' hardly a name that would be associated with the initials 'A.G.'...The use of false names by the alleged victim and her extended history as an illegal alien in Puerto Rico are also materials to which the defendant is entitled." (*Id.*)

2. The defendant attempted to use discovery documents to publicly malign the victim in this case and accuse her of committing a crime. The government – in an effort to give the Court accurate information about the contents of the FBI 302 and to demonstrate the absurdity of

concluding the victim used fake name based on the contents of the 302 – submitted a portion of it in its response to defendant’s motion for the Court’s review. (D.E. 25, p. 5).

3. After the filing of the government’s response, the defendant requested that the Court redact or strike this portion of the FBI 302 from the government’s pleading. The defendant argued that its only purpose was to “embarrass and denigrate the defendant.” (D.E. 27, p. 2.)

4. George Herbert, the British Poet and collector of proverbs, is credited with the first known publication of a now common phrase: “Whose house is of glass, must not throw stones at another.” *Yale Book of Quotations* 613 (Fred R. Shapiro, ed. 2006)

5. In this case, the defendant accused a victim of criminal activity and not so subtly indicated that her status a Dominican National in the United States should call into question her truthfulness. (See D.E. 23, pp. 4-5.)

6. Now, the defendant wants the government’s response to this allegation redacted or stricken due to the embarrassing nature of the contents of the FBI 302. The defendant cites to no legal authority for this measure but speculates, “the government is putting at risk defendant’s right to a fair trial and due process of law.” (D.E. 27, p. 2). This is a dubious proposition. The victim in this case will testify at trial to facts similar to what is contained in the 302. Many of these facts are also contained in the criminal complaint filed in the case. Typically, a statement of facts is contained in contested pleadings in district court. As such, there is absolutely no basis to redact or strike the government’s submission. Moreover, the defendant invited the inclusion of these facts when he inaccurately described the contents of discovery provided to him in his motion.

WHEREFORE, the United States requests that the defendant’s motion to redact and/or strike be denied.

I HEREBY CERTIFY that on this date I electronically filed the present motion with the Clerk of Court using the CM/ECF system which will send notification of such filing to the parties of record.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 8th day of April, 2019.

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